

LAYOFF MANUAL

<i>MAJOR AREA</i>	<i>SECTION NUMBER</i>
REEMPLOYMENT	900

WHAT IS REEMPLOYMENT?

A method to help terminated or demoted employees return to their former class. Reemployment takes priority over all other appointment lists.

ESTABLISHMENT OF REEMPLOYMENT LISTS

An employee who is laid off or elects to demote in lieu of layoff from a class and has held either permanent or probationary status in the class, will be placed on the appropriate reemployment lists for that class. In addition, appropriate reemployment list eligibility will generally be provided for all classes through which the employee was given demotional rights during layoff. Employees appear in seniority order on all reemployment lists.

When surplus employees are laid off or demoted in lieu of layoff, PAR documents should be processed immediately to the State Controller's Office and Form DPA-016 (Attachment 1) should be submitted to SPB as soon as the PAR clears the Controller's Office. This will allow the establishment of reemployment list eligibility at the earliest opportunity. To assist departments in the process of establishing reemployment eligibility refer to Attachment 2 for instructions on how to complete DPA-016.

There are three types of reemployment lists:

General – Used throughout State service;

Departmental – Used only in that agency; and

Subdivisional – Used for small units within an agency, such as district or division.

General reemployment lists are used under the "Rule of Three" (i.e., the appointing power has a choice of the three employees on the list with the most seniority). Departments are reminded not to place the name of employees on General reemployment lists for classes in which they do not have status and through which they did not demote in lieu of layoff.

Departmental and Subdivisional lists are under the "Rule of One." Reemployment lists must be used ahead of any other open or promotional civil service lists.

Reemployment list eligibility for employees is five years unless an extension is granted by the State Personnel Board.

If incumbent's class is in the primary demotional pattern, the incumbent would receive General, Departmental, and Subdivisional eligibility.

If incumbent's class is in the secondary demotional pattern, the incumbent would receive Departmental and Subdivisional eligibility.

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OTHER APPOINTMENT ELIGIBILITY

Under Government Code Section 18950 and State Personnel Board Rule 235.2, employees whose names appear on reemployment lists retain the same eligibility to take promotional civil service examinations that they had prior to layoff. Employees who are laid off retain their current eligibility on any employment list until the list expires.

In addition, under Government Code Section 19140, employees who are laid off retain indefinite statewide permissive reinstatement eligibility to their former position or to any other classification at substantially the same or lower salary to which they could have transferred or demoted prior to layoff.

OTHER RELATED INFORMATION:

Unemployment Insurance

State employees who are laid off are eligible for unemployment benefits under the same conditions as are employees in the private sector. Claims for unemployment insurance may be filed on the effective date of their separation.

Employee Assistance Program (EAP)

EAP benefits are available to employees and their family members throughout their layoff notification period; thereafter no benefits are available.

For an employee in Bargaining Units 1, 3, 4, 11, 15, 20, or 21, the employee's contract allows the employee to continue to use EAP services for an extended six-month period following the employee's separation from State service due to layoff, providing the employee has visits remaining. EAP services include counseling for employee and eligible family members.

Deferred Compensation

An employee who officially separates from State service as a result of layoff may either withdraw any funds deposited in the State's deferred compensation program or elect to defer withdrawal until a later date. Funds which are withdrawn will be subject to State and federal income tax.

Accrued Sick Leave/Vacation/Annual Leave

Sick Leave

Employees separated by layoff and subsequently reemployed shall have their sick leave earned prior to layoff credited to them. In addition, upon reemployment, their prior service shall be counted for purposes of calculating State service, sick leave, and vacation.

Department of Personnel Administration
Policy and Operations Division

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Vacation and Annual Leave

Employees who are laid off are entitled to lump sum payment of any unused or accumulated vacation or annual leave. The sum is computed by projecting the accumulated time on a calendar basis so the lump sum will equal the amount of leave which the employee would have been paid had he/she taken the time off as opposed to being laid off from State service.